

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ AUG 22 2022 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

\_\_\_\_\_  
KYLE FREISTAT,

Plaintiff,

-against-

DANIEL GASPERETTI and ANTHONY ARLISTICO, et, al

Defendants.  
\_\_\_\_\_

NOTICE OF INTENT  
TO REQUEST JUDICIAL  
NOTICE



17-cv-05870(RPK)(LB)

VIA FIRST-CLASS MAIL  
\_\_\_\_\_

judge Rachel p.Kovner  
united states district court  
Eastern district of new york  
225 cadman plaza East  
Brooklyn, new york 11201

Re: Kyle Freistat v. Daniel Gasperetti, et. al., 17-cv-05870(RPK)(LB)  
\_\_\_\_\_

Your Honor:

PLEASE TAKE NOTICE, that plaintiff intends to request pursuant to CPLR4511(b), THAT THIS COURT, UPON THE TRIAL OF THE ABOVE Mention and entitled action take judicial notice OF.,

DESCRIPTION OF MATTER TO BE JUDICIALLY  
NOTICE.  
\_\_\_\_\_

PLAINTIFF IS ISSUING A REPORT AND RECOMMENDATION, FINDING THAT DEFENCE COUNSEL. ALONG WITH THE NEW YORK CITY, DEPARTMENT..LAW DEPARTMENT HAVE FAILED TO COMPLY WITH THEIR DISCOVERY OBLIGATIONS. UNDER THE FEDERAL RULES OF CIVIL PROCEDURE.

THE CITY OF NEW YORK LAW DEPARTMENT, AS ONCE MORE WITHHELD RELEVANT. DOCUMENTS FROM PLAINT, MAKING IT SEEMS THAT THEY HAVE SENT THESE DOCUMENTS WHEN IN FACT. PLAINTIFF DOES NOT HAVE THESE DOCUMENTS AND WOULD LIKE FOR YOUR HONOR TO, ORDER THEM PRODUCED. PLAINTIFF REQUESTS THAT YOUR HONOR ORDER THE FOLLOWING. DOCUMENTS BE PRODUCED IN THE NEXT 48, heures..or the next 72, heures upon arrival of this notice.,

(AMD)(CLP) CASE IN POINT. ROSIE MARTINEZ V. CITY OF NEW YORK., et, al., 16cv79

DOCUMENTS Requested;

that's not in plaintiff's possession, in accordance with rule 26(a)(A)  
OF THE FEDERAL RULES OF CIVIL PROCEDURE, PLEASE ORDER THE FOLLOWING TO BE SENT TO.  
Plaintiff,

1) bates; police lab resume

bates; nos. D.00245-00254

bates; stamp; nos, D.00255-00258

bates; stamps; nos; D.00232-00240

plaintiff's medical records, jail medical records.

2), bates; stamps; nos, D.00047-00103

bates; stamps; nos, D.00331-and..d.00316

3) bates; stamps; nos, D.00047-00103

note plaintiff would like for his pedigree-mugshot, the one from the jail in..

V.C.B.C. INTAKE PLEASE IN COLORS PLEASE NO BLACK ON WHITE.

ALSO, THE FOLLOWING DOCUMENTS,

UF-61#5424 & 5425, on .aided#2017-113-1302

please your honor for plaintiff to prove his case and submit evidence these documents  
are needed. asap..

THANK YOU FOR YOUR TIME IN ADVANCE,

RESPECTFULLY,

Joel Burnett, ALM, RVE, Forensic

CC: DATED, 8/16/22

the new york city law department

100, church street

new york, ny, 10007

attn; Morgan c. mckinney, Esq.

## AFFIDAVIT OF SERVICE

STATE OF NEW YORK )  
COUNTY OF DUTCHESS )

ss: Intellus

Joel Bennett, being duly sworn, deposes and says:

I am the above-mentioned (☐ defendant, ☐ petitioner, ☐ appellant, ☐ claimant, ☐ complainant, ☐ respondent), and I have served a copy of the following papers: Plaintiff's

Judge, Honorable, Rachel P. Kovner  
United States District Court  
Eastern District of New York  
225 Madison Plaza East, Bk. NY 11201

Upon the following party(ies):

Norlene McKinney  
Law Department  
100 Church Street  
NY, NY 10007

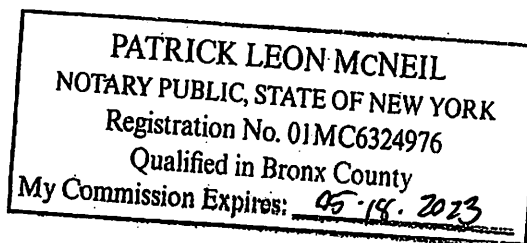
by placing the above in a post-paid envelope and depositing it in a United States Postal Service mailbox located at Green Haven Correctional Facility, Stormville, NY 12582 on the 11 day of August, 2022 as due and sufficient service.

Joel Bennett

SWORN TO BEFORE ME THIS

11 DAY OF August, 2022

Patrick Leon McNeil  
NOTARY PUBLIC



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

\_\_\_\_\_  
KYLE FREISTAT,

Plaintiff,

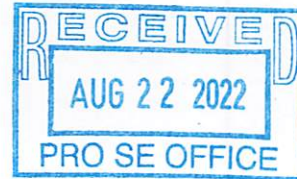
NOTICE

-against-

17-cv-05870(RPK)(LB)

DANIEL GASPERETTI AND ANTHONY ARLISTICO,et.,al.,

Defendants.  
\_\_\_\_\_X



VIA FIRST-CLASS MAIL

Judge Rachel p.Kovnor  
united states district court  
Eastern district of new york  
225,cadman plaza East  
brooklyn,new york 11201

Re:KYLE FREISTAT v.DANIEL Gasperetti,et.,al.,17-cv-05870(RPK)(LB)

YOUR HONOR;

I am the Pro Se,Plaintiff joel burnett.a/k/a,KYLE FREISTAT CURRENTLY HOUSED IN GREEN HAVEN CORRECTIONAL FACILITY,LOCATION-G-6..362...IM HOWEVER. REPRESENTING MY SELF IN THE ABOVE MENTION MATTER.I RESPECTFULLY WRITES TO PROVIDE A STATUS LETTER TO THE COURT.THE DEADLINE FOR THE DEFENDANTS TIME TO RESPOND TO THERE MOTIONS-in-LIMINE WAS ON,8/12/22 and plaintiffs reply date would be on8/22/22 however,to date;8/16/22..plaintiff have not received any motions in limine from. Defendants nor has defendants filed any responds to motions-in-limine on the docket therefore,defendants has elected not to file any motions in limine;AND CONSEQUENTLY No Response from plaintiff is Required.

THANK YOU FOR YOUR CONSIDERATION OF THE MATTER HEREIN.

RESPECTFULLY SUBMITTED

Joel Burnett, A/K/A,  
Kyle Freistat - 1941353

CC:VIA FIRST-CLASS MAIL

THE CITY OF NEW YORK  
LAW DEPARTMENT  
100,church street  
new york,ny,10007  
Morgar. C. MCKINNEY

## AFFIDAVIT OF SERVICE

STATE OF NEW YORK )  
COUNTY OF DUTCHESS )

ss: Intellus

Joel Bennett, being duly sworn, deposes and says:

I am the above-mentioned (☐ defendant, ☐ petitioner, ☐ appellant, ☐ claimant, ☐ complainant, ☐ respondent), and I have served a copy of the following papers: Plaintiff's

Judith Honorek, Rachel P. Kavner  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East, Bk. NY 11201

Upon the following party(ies):

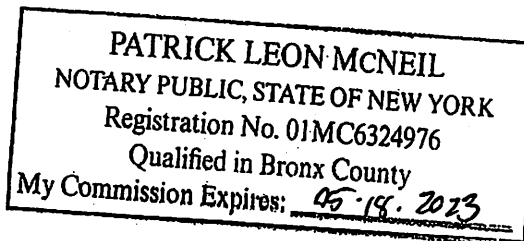
Northern McKinney  
Law Department  
100 Church Street  
NY, NY 10007

by placing the above in a post-paid envelope and depositing it in a United States Postal Service mailbox located at Green Haven Correctional Facility, Stormville, NY 12582 on the 11 day of August, 2022, as due and sufficient service.

SWORN TO BEFORE ME THIS

11 DAY OF August, 2022

[Signature]  
NOTARY PUBLIC



GREEN HAVEN CORRECTIONAL FACILITY

P.O. BOX 4000

STORMVILLE, NEW YORK 12582-4000

NAME:

Joel Burnett

DIN:

19A1353

GREEN HAVEN



CORRECTIONAL FACILITY

NEOPOST

FIRST-CLASS MAIL

08/18/2022

US POSTAGE

\$000.57<sup>0</sup>



ZIP 12582  
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105 HONORABLE: Judge Rachel P. Kovner  
United States District Court  
Eastern District of New York  
225, Cadman Plaza East  
BROOKLYN, New York - 11201

Attn: Judge: Rachel P. Kovner

Legal Mail

1120181832 0030



NEW YORK  
DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION  
OFFENDER CORRESPONDENCE PROGRAM

NAME: Joel Burnett DIN: 19-A-1353

"Lebal - MAIL"

